

Message Text

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ACTION EUR-12

INFO OCT-01 ISO-00 CIAE-00 PM-04 H-02 INR-07 L-03 NSAE-00

NSC-05 PA-01 PRS-01 SP-02 SS-15 USIA-06 AF-06 SAM-01

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FM AMEMBASSY LISBON

TO SECSTATE WASHDC PRIORITY 6150

INFO AMEMBASSY BONN

AMEMBASSY LONDON

AMEMBASSY MADRID

AMEMBASSY MOSCOW

AMCONSUL OPORTO

AMEMBASSY PARIS

AMCONSUL PONTA DELGADA

USMISSION NATO

DIA WASHDC

USCINCEUR VAIHINGEN GER

C O N F I D E N T I A L LISBON 1268

E.O. 11652: GDS

TAGS: PINT, PO

SUBJECT: AFM-PARTIES PACT FINALLY SIGNED

REF: LISBON 1238 (DTG 261205Z FEB 76)

SUMMARY: REVISED PACT BETWEEN ARMED FORCES MOVEMENT AND
POLITICAL PARTIES WAS SIGNED EVENING FEB 26. NEW PACT
FORMALIZES SIGNIFICANTLY REDUCED POLITICAL ROLE FOR
ARMED FORCES BUT INCLUDES ENOUGH AMBIGUOUS LANGUAGE TO
SUPPORT GREATLY EXPANDED REVOLUTIONARY COUNCIL ROLE SHOULD
MILITARY CONCLUDE THINGS GOING BADLY FOLLOWING ELECTIONS.
END SUMMARY.

1. PACT SIGNED: AT NATIONALLY TELEVISED CEREMONY
EVENING OF FEB 26, REPRESENTATIVES OF REVOLUTIONARY
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COUNCIL AND FIVE PRINCIPAL POLITICAL PARTIES FINALLY

SIGNED REVISED PACT BETWEEN ARMED FORCES MOVEMENT AND PARTIES. SIGNATORIES INCLUDED: PRESIDENT COSTA GOMES; MARIO SOARES (PS); MAGALHAES MOTA (PPD); SERGIO VILARIGUES (PCP); FREITAS DO AMARAL (CDS); AND JOSE TENGARRINHA (MDP).

2. NO SURPRISES: AFTER WEEKS OF NEGOTIATIONS, PACT CONTAINS NO SURPRISES. IT ESTABLISHES FIVE ORGANS OF GOVERNMENT AND DEFINES ROLE OF EACH DURING FOUR-YEAR TRANSITION PERIOD. ORGANS INCLUDE: PRESIDENT; REVOLUTIONARY COUNCIL; LEGISLATIVE ASSEMBLY; GOVERNMENT; AND COURTS.

-- PRESIDENT: WILL BE ELECTED BY UNIVERSAL DIRECT BALLOT. PRINCIPAL POWERS INCLUDE:

(A) NAMING AND DISMISSING PRIME MINISTER, AFTER CONSULTING RC AND POLITICAL PARTIES REPRESENTED IN ASSEMBLY AND TAKING INTO ACCOUNT ELECTION RESULTS.

(B) EXERCISING THE RIGHT OF VETO OVER LEGISLATION, WITH TWO-THIRDS VOTE BY ASSEMBLY REQUIRED TO OVERRIDE ON IMPORTANT BILLS;

(C) PRESIDING OVER REVOLUTIONARY COUNCIL;

(D) ACTING AS COMMANDER IN CHIEF OF ARMED FORCES;

(D) DECLARING STATE OF SIEGE OR EMERGENCY;

(F) DISSOLVING ORGANS OF REGIONAL AUTONOMY, AFTER CONSULTING RC.

-- REVOLUTIONARY COUNCIL:

RC WILL SERVE AS ADVISORY COUNCIL TO PRESIDENT BUT RETAINS AT LEAST CO-EQUAL POWERS TO PRESIDENT AND ASSEMBLY IN SOME AREAS. THE MAJOR POWER GIVEN RC IS ABILITY TO REQUIRE PRESIDENT TO EXERCISE HIS VETO POWER IN SPECIFIC CASES IN WHICH THE RC QUESTIONS THE CONSTITUTIONALITY OF LEGISLATION. SOME PRESIDENTIAL
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POWERS ARE CIRCUMSCRIBED BY REQUIREMENT FOR PRIOR AUTHORIZATION BY RC. THESE INCLUDE: DECLARING WAR, STATE OF SIEGE OR EMERGENCY. RC IS ALSO GIVEN FULL LEGISLATIVE POWERS IN THE MILITARY FIELD. RC WILL RETAIN CURRENT COMPOSITION, INCLUDING TWENTY MEMBERS PLUS VACANCY FOR ARMED FORCES VICE CHIEF OF STAFF. ITS FORMAL MANDATE INCLUDES GUARANTEEING NORMAL FUNCTIONING OF DEMOCRATIC INSTITUTIONS; FULFILLMENT OF CONSTITUTIONAL PROVISIONS;

AND FIDELITY TO THE SPIRIT OF THE APRIL 25, 1974 REVOLUTION.

-- CONSTITUTIONAL COMMISSION: PACT ESTABLISHES A NINE-MEMBER COMMISSION CHARGED WITH RESPONSIBILITY FOR RULING ON CONSTITUTIONALITY OF ALL LAWS AND DECREES. FOUR MEMBERS ARE DESIGNATED BY SUPREME COURT; TWO BY RC; AND ONE EACH BY PRESIDENT AND LEGISLATIVE ASSEMBLY. MEMBERS WILL SERVE DURING TRANSITION PERIOD AND CANNOT BE REMOVED.

-- GOVERNMENT: GOVERNMENT WILL BE POLITICALLY RESPONSIBLE TO PRESIDENT AND LEGISLATIVE ASSEMBLY. ASSEMBLY MUST APPROVE OVERALL GOVERNMENT PROGRAM AND CAN VOTE NO CONFIDENCE OR PASS MOTIONS OF CENSURE. PRESIDENT IS REQUIRED TO DISSOLVE ASSEMBLY AND CALL NEW ELECTIONS IF MOTIONS OF CENSURE OR NO CONFIDENCE REQUIRE THIRD CHANGE IN GOVERNMENT DURING SAME ASSEMBLY SESSION.

-- LEGISLATIVE ASSEMBLY: FUNCTIONS OF ASSEMBLY ARE LEFT UNSPECIFIED, BUT WILL INCLUDE NORMAL PARLIAMENTARY POWERS; AS DEFINED IN CONSTITUTION NOW BEING DRAFTED.

3. COMMENT: PACT FORMALIZES GREATLY REDUCED POLITICAL ROLE FOR ARMED FORCES, BUT INCLUDES ENOUGH HEDGED LANGUAGE TO ENABLE MILITARY TO REASSERT ITS CONTROL OF POLITICAL PROCESS SHOULD IT CONCLUDE THINGS GOING BADLY FOLLOWING ELECTIONS. DEMOCRATIC PARTIES HAVE ACCEPTED STILL SIGNIFICANT RC ROLE AND SOME AMBIGUOUS LANGUAGE AS PRICE FOR GETTING TO ELECTIONS, WHICH THEY BELIEVE WILL GIVE THEM THE LEGITIMACY NEEDED TO FINALLY ASSERT THEIR POLITICAL DOMINANCE. THE TWO-THIRDS REQUIREMENT TO OVERRIDE VETOS IN SPECIFIC AREAS WILL PLACE A PREMIUM ON COOPERATION AMONG DEMOCRATIC PARTIES IF ASSEMBLY RATHER
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THAN PRESIDENT OR RC IS TO ASSERT LEADERSHIP OF THE SYSTEM.

4. PPD SOURCE TOLD EMBOFF THAT HIS PARTY HAD ACHIEVED 85 PERCENT OF WHAT IT SOUGHT IN LAST DAY'S NEGOTIATIONS ON PACT. SOURCE SAID ONLY "ELECTED PRESIDENT" COULD FORM NEW GOVERNMENT, THEREBY REMOVING THAT KEY DECISION FROM COSTA GOMES. THE AZEVEDO GOVERNMENT WOULD CONTINUE TO GOVERN FROM APRIL 25 UNTIL THE JUNE 27 PRESIDENTIAL ELECTIONS. PPD, HOWEVER, WILL NOT BE HAPPY WITH PROVISION FREEZING PACT AND CONSTITUTION FOR FOUR-YEAR TRANSITION PERIOD.
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